

**VILLAGE OF DRESSER
ZONING BOARD OF APPEALS PROCEEDINGS
TUESDAY, AUGUST 23, 2022**

The meeting was called to order at 5:30 PM by Sam Malm. It was announced that the proceedings would be tape recorded. The purpose of the meeting was to consider a request for the following variance: AES East Ave LLC, Jared Lehman, 520 East Avenue N, for a variance to construct an additional primary structure 5 feet from the rear property line. The proposed rear setback does not meet the requirements in the Municipal Zoning Code Section 17.21(3) General Industrial District – Lot, yard and building requirements. Rear Yard Setback: minimum 30 feet. Legal Description: S 500' Outlot 15 Assessor's Plat Exc N 250' of S 500' Parcel Number 116-00266-0000.

Motion Mark Kuhl/Katie Raddatz to nominate Sam Malm as chairman for this meeting. No other discussion took place. All in Favor. Motion Carried. Sam Malm is Chair of the meeting.

Announcement of Notice Given: Malm stated that public notice was posted and residents were notified on August 4, 2022 and the public notice was published in the Osceola Sun Newspaper on August 10, 2022.

Members present at the meeting: Malm called for a roll call: Sam Malm, Rusty Norlander, Mark Kuhl, Darrin Frandsen, and Katie Raddatz. Also present Attorney Bryan Tillman of Bakke Norman, Jodi A Gilbert-Clerk/Treasurer, and Greg Andrie. No other persons were present.

Village Attorney Bryan Tillman/Bakke Norman reviewed the Standards for Variances and advised the committee. Municipal Code Section 17.27(6) sets forth the standards. Tillman read Section 17.27(6)(a)-(g). Committee had no questions regarding these standards.

Review took place of the Variance Application from Jared Lehman – AES East Ave LLC. The committee may view the property located at 520 East Ave N. Malm asked the committee – do we feel that we need to visit the property. The committee members stated no. Malm asked Greg Andrie to explain the project. Andrie stated we are looking at putting up a new building and the excavator suggested pushing the building east towards the rear property line. By moving the building back, it will make drainage easier for our property and give us more room for moving vehicles around. We will also be able to utilize more of the property. There is a drainage ditch on the south side and west sides of the property. On the south side of the property, we could be closer to that side property line, but we are proposing to be 35 feet from the side property line. Malm stated that yes when I was looking at the topo you can't move to the south. If you did the building would be washed away. The setback for the rear property line is 30 feet and you are asking to be 5 feet from the rear property line. The rear property line abuts railroad property and I don't think that will ever change. Andrie stated we tried to contact the railroad, but never got a response. Mark Kuhl asked do we know what the logic is for the

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initial 30-foot set back. The Municipal Code has a 30-foot setback listed for rear property lines in a commercial zone. Gilbert stated Attorney Paul Mahler responded to my email stating that in a Commercial Zone all buildings are primary, so the setbacks apply to all buildings. All buildings are primary. Malm asked the committee members if anyone has any concerns regarding this proposed variance. Nothing was stated. Malm continued I think we should allow them the variance. The ditch limits the property. The excavating for this new building may actually help with the drainage across the parking lot to the ditch area and keep the water from crossing the road. Mark Kuhl asked will it be built up? Greg Andrie stated aggregate rock will be used. We are leaving that up to the excavators. Malm asked Gilbert if any residents/property owners made any comments. Gilbert stated no verbal or written communication was received.

Malm called for any Public Comments. Nothing was stated.

Discussion/Decision by the Zoning Board of Appeals took place. Section 17.27(6)(A)–(G) were reviewed by the committee. Motion Sam Malm/Rusty Norlander to approve a variance for a 30x84 building as described with placement not closer than 5 feet from the rear property line for AES East Ave LLC. (a) The drainage ditch to the south – topo condition could provide a particular hardship to the owner. (b) Abutting the railroad property and the chances of that property ever being developed is unique to this situation. (c) This not being requested just to make more money. (d) Any issues with the property are not caused by the people requesting the variance. (E) granting of this variance is not detrimental to the public (f) this variance will not impair light or air or cause congestion to surrounding property owners (g) the committee has no other restrictions on this variance. Any other discussion on the motion. Nothing was stated. Malm called for a roll call vote. Darrin Frandsen yes, Katie Raddatz yes, Mark Kuhl yes, Rusty Norlander yes, Sam Malm yes. 5 votes in the favor. Variance has been approved.

Motion Darrin Frandsen/Katie Raddatz to adjourn the meeting at 5:56 PM. All in Favor. Motion Carried.

Jodi A. Gilbert – Village Clerk

These minutes have not been approved.